

Response under 37 CFR §1.111
Application No. 10/016,471
Attorney Docket No. 062077

REMARKS

Claims 1-16 are pending in the application. No claims have been cancelled or amended.
In light of the accompanying remarks applicants respectfully request favorable consideration.

On the Merits

1. With regard to claim 1:

Claim 1 was rejected under 35 U.S.C. § 103(a) in view of U. S. Patent 7,026,329 B1 (*Mizutani*) and U.S. Patent 5,751,262 (*Girard*). Applicants respectfully traverse this rejection.

Claim 1 of the present application recites the following:

A program recording system, comprising
a confirmation request receiving unit which receives a request for confirmation of contents of a program that is being broadcast, from a remote user;
a capturing unit which captures at least one scene of the program according to the confirmation request;
an image transmission processor which transmits a thus captured image to a terminal of the user;
a recording request receiving unit which receives a request for recording the program from the user; and
a recording instructing unit which instructs a recording of the program recording according to the recording request.

It should be noted in the first place that the “program recording system” of claim 1 is within the “user’s domain” which is separate from a broadcasting station or a server and does not include constituting elements in the public domain.

Girard and the subject matter of claim 1 differ significantly in the context in which the system is used. More specifically, *Girard* allows recording of programs that are currently being

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broadcast in a server as a reserve of past programs, without requiring a user to record the program, allowing the user to view the programs. In contrast, according to the present application, a broadcasting station (server side) does not store past programs. Thus, a user needs to record programs that are currently being broadcast on his or her initiative, using the program recording system.

The Office Action alleges that “a capturing unit which captures at least one scene of the program according to the confirmation request” of claim 1 is disclosed at column 6, lines 8-45 of *Girard et al.* Contrary to the Examiner’s assertion, head end server 22 of Fig. 1 of *Girard* is located in a broadcasting station, which is in the public domain, unlike the system of the present application located in the personal domain within a home.

As described above, captured images are generated by the head end server of *Girard* without any intervention and are not captured according to a user instruction. That is, the current program is recorded in program storage 72 and a preview clip of a future program is recorded in the continuous media server regardless of the user’s intent.

In contrast, claim 1 requires that the capturing unit of the present application “captures at least one scene of the program according to the confirmation request.” According to the feature of claim 1, the user is allowed to view a captured image of a program currently being broadcast according to the user’s own instruction so as to determine whether to record the program and to record it if so desired.

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Since *Girard* does not disclose, inter alia, the capturing unit required by independent claim 1, claim 1 should not be rejected in view of *Girard* and *Mizutani*.

2. With regard to claim 2:

Independent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in further view of U.S. Patent 6,445,036 (*Trovato*). Applicants respectfully traverse this rejection.

As described above, *Girard* is not directed to capturing an image according to a user instruction. As such, *Girard* fails to disclose performing a process according to “a confirmation request from a user”.

In contrast, claim 2 is directed to acquiring a guide image from an extended EPG and transmitting the acquired guide image to a remote user according to a confirmation request from a user. As such, claim 2 should not be rejected in view of the references.

3. With regard to claims 3-9:

Claims 3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in further view of U.S. Patent 6,445,036 (*Trovato*). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262

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(*Girard*) and in further view of U.S Patent 6,445,036 (*Trovato*), and further in view of JP 0200341600A (*Asamura*). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in further view of WO 92/22983 (*Browne*). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in view of U.S Patent 6,445,036 (*Trovato*) and in further view of WO 92/22983 (*Browne*). Applicants respectfully traverse these rejections.

Each of claims 3-9 depends from independent claim 1 or independent claim 2 directly or indirectly. As such, claims 3-9 are allowable at least by virtue of their dependency from independent claims 1 or 2.

4. With regards to claims 10-12:

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in further view of U.S Patent 6,445,036 (*Trovato*). Applicants respectfully traverse this rejection.

As independent claim 10 is similar to independent claim 2, the same arguments made regarding independent claim 2 also apply to independent claim 10. More specifically, independent claim 10 requires in part, “receiving a request for confirmation of contents of a program that is being broadcast, from a remote user.” As indicated above, *Girard* fails to

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disclose performing a process according to a “confirmation request ... from a remote user,” as required by independent claim 10.

Because claims 11 and 12 are ultimately dependent upon claim 10 and only further limit claim 10, applicants submit that these rejections are moot in light of the arguments made regarding claim 10.

5. With regards to claims 13 and 14:

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,026,329 B1 (*Mizutani*), in view of U.S. Patent 5,751,262 (*Girard*) and in further view of WO 92/22983 (*Browne*). Applicants respectfully traverse this rejection.

As independent claim 13 is similar to independent claim 2, the same arguments made regarding independent claim 2 (and independent claim 10) also apply to independent claim 13. More specifically, independent claim 13 requires in part, “receiving a request for confirmation of contents of a program that is being broadcast, from a remote user.” As indicated above, *Girard* fails to disclose performing a process according to a “confirmation request ... from a remote user,” as required by independent claim 13.

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Because claim 14 is ultimately dependent upon claim 13 and further limits claim 13, applicants submit that these rejections are moot in light of the arguments made regarding claim 13.

6. With regards to claims 15 and 16:

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mizuntani* in view of *Girard* in view of *Trovato*, and further in view of *Browne* (WO 92/22983). Applicants respectfully traverse this rejection.

As independent claim 15 is similar to independent claim 2, the same arguments made regarding independent claim 2 (and independent claims 10 and 13) also apply to independent claim 15. More specifically, independent claim 15 requires in part, “receiving a request for confirmation of contents of a program that is being broadcast, from a remote user.” As indicated above, *Girard* fails to disclose performing a process according to a “confirmation request ... from a remote user,” as required by independent claim 15.

Because claim 16 is ultimately dependent upon claim 15 and further limits claim 15, applicants submit that these rejections are moot in light of the arguments made regarding claim 15.

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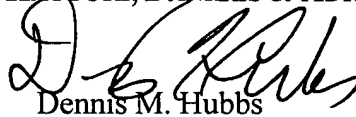
In view of the aforementioned remarks, applicants submit that the claims, as herein presented, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact applicants' undersigned agent to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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